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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/710,934

08/13/2004

Hong-Ching Chen

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27765

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12/12/2005

NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION

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EXAMINER

MIS, DAVID C

ART UNIT

PAPER NUMBER

2817

DATE MAILED: 12/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/710,934

Applicant(s)

CHEN ET AL.

Examiner

David Mis

Art Unit

2817

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are indefinite since:

In claim 1, line 8, "... phase difference ..." and lines 10-11, "... phase adjusting signal ..." appear to refer, in common, to one "phase" related system element / function since there is no language otherwise, and thus what is claimed is not clear.

In claim 18, lines 7 and 9, the "... phase ..." language does not make it clear what is or is not being claimed.

3. Claims 1-34 are objected to because of the following informalities:

In claim 1, last line, "thephase" should be -- the phase --.

In claim 2, line 2, "adjuststhe" should be -- adjusts the --.

In claim 3, line 3, "outputsignal" should be -- output signal --.

...

In claim 18, line 13, "thephase" should be -- the phase --.

In all the claims, spacing between words should be corrected.

Appropriate correction is required.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1, 3, 18 and 20 are rejected under 35 U.S.C. 102(b.) as being clearly anticipated by Stepp.

Stepp disclosed a phase locked loop (PLL) system (Figure 1, VCO, T2, PD, F) for generating an output signal (output of VCO) according to a first reference

signal (f_H), the output signal being used as a reference clock to write recording data on an optical medium (this use is not given weight since it is not linked in the claim), the PLL system comprising: a clock generator (VCO) receiving the first reference signal (f_H) and a first frequency-divided signal (output of T2) to generate the output signal (output of VCO) according to a phase difference (output of PD) between the first reference signal (f_H) and the first frequency-divided signal (output of T2); a phase-shift detector (M1, G) generating a phase adjusting signal (output of G); and a phase-controllable frequency divider (T2, PHS) connected to the clock generator (VCO) and the phase-shift detector (M1, G) for dividing the frequency of the output signal (output of VCO) by a frequency dividing ratio (T2) to generate the first frequency-divided signal (output of T2) and for receiving the phase adjusting signal (output of G) to adjust the phase of the first frequency-divided signal (output of T2); ... counter ... (T2 is presumed to comprise a counter since there is no reason to presume otherwise).

6. Claims 1, 3, 5, 8-10, 15, 18, 20, 22, 25-27 and 32 are rejected under 35 U.S.C. 102(b.) as being clearly anticipated by Bokui et al.

Bokui et al disclosed PLL (1, 2, 3, 4, 5) and phase-shift detector 6 with elements and explanation corresponding to the similar elements and explanation above in view of Stepp. Bokui et al also disclosed the claimed

use (Title, Abstract) and the "wobble signal" (Figure 1); and ... recording synchronization signal ... ("pre-pit signal" may correspond to this); and ... +/- RW ... (this intended use is presumed to have been that of Bokui et al since disk classifications were necessarily as available, also the intended uses are not considered to be limitations, and are not seen to depend on the circuit); and the "pre-pit" signal necessarily comes from that which detected it and where the wobble signal may correspond to a "recording synchronization signal".

7. Claims 1, 3, 5-6, 8-11, 15, 18, 20, 22-23, 25-28 and 32 are rejected under 35 U.S.C. 102(a.) as being clearly anticipated by Hsu et al.

Hsu et al disclosed similar elements to the ones said above in view of Stepp and Bokui et al, and the rejection corresponds thereto. Hsu et al also disclosed ... dividing the output signal to generate a second frequency-divided signal ... (Frequency divider 102) and comparing that to the wobble signal (104).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Mis whose telephone number is (571) 272-1765. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pascal can be reached on (571) 272-1769. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Mis
Primary Examiner
Art Unit 2817